

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**JOHN DOE #1, JOHN DOE #2, JOHN DOE
#3, JOHN DOE #4, and JOHN DOE #5,**

Plaintiffs,

v.

AFFIDAVIT

Case No.: 5:18-cv-496

**SYRACUSE UNIVERSITY, KENT
SYVERUD, individually and as Chancellor
of Syracuse University, PAMELA PETER,
individually and as Assistant Dean of
Student Rights and Affairs and the Director
of the Office of Student Rights and
Responsibilities, ROBERT HRADSKY,
individually and as Syracuse University
Dean of Students and Associate Vice
President of the Student Experience,
TERESA ABI-NADER DAHLBERG,
individually and as the Dean of the College
of Engineering and Computer Science,**

Defendants.

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

JOHN DOE #4, being duly sworn, deposes and says:

1. I am a freshman who is a student enrolled in the College of Engineering at Syracuse University ("the University"). I am part of a group of new members of the Tau chapter of Theta Tau, a national, professional, co-ed engineering fraternity that was, until April 21, 2018, a recognized chapter of Theta Tau ("the Chapter") on the Syracuse University campus. I make this Affidavit based on my personal knowledge of the facts and circumstances of this action.

2. I have reviewed the Affidavit of JOHN DOE #1, sworn to on April 24, 2018, and I adopt its contents and incorporate the factual statements there as if they fully appeared here.

3. I have reviewed the Affidavit of JOHN DOE #5, sworn to on April 24, 2018, and I adopt its contents and incorporate the factual statements there as if they fully appeared here.

4. I was involved in the preparation, production and performance of the roast and/or skits depicted in the two videos which are at the heart of this controversy. As noted by JOHN DOE # 1, it was obvious from the outset that the language and conduct depicted in the videos, while undoubtedly offensive, was satire and not intended for public dissemination. As also noted by JOHN DOE #1, the Chapter has apologized profusely for the impact of the video, but explained we are not racists and that the video had to be understood in context. Specifically, we said we were not laughing “in concurrence” with racist, sexist and homophobic beliefs, but because racism, sexism and homophobia are “so wrong that they are laughable.”

5. I am also one of the eighteen Chapter members on whom the University served Code of Conduct violations on April 21, 2018. Since April 22, 2018, I have not been permitted to attend class, labs or academic events. While the University said “academic arrangements” would be made on our behalf, the University has yet to advise me of what those arrangements will be. I am in danger of losing all or some of my academic credits this semester if I cannot properly prepare for and take my exams.

6. Despite the University’s claim that I would receive accommodations during my quasi-suspension, I, like the other plaintiffs and Chapter members, have not received information regarding adequate accommodations to complete my classes.

7. As more fully discussed in the Affidavits of JOHN DOE #1 and JOHN DOE #5, a preliminary injunction is necessary to prevent the University from following through on its plan to suspend and/or expel me without due process and a proper hearing.

/s/
JOHN DOE #4

Sworn to & subscribed before me
this 24th day of April, 2018.



Notary Public

DAVID M KATZ
Notary Public, State of New York
No. 02KA6370385
Qualified in Onondaga County
Commission Expires 01/29/2022